

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MERCHANT CAPITAL, LLC,)	
NEW SUNSHINE, LLC,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:13-cv-00873-JMS-DML
)	
MELANIA MARKS SKINCARE, LLC,)	
)	
Defendant.)	

Entry and Order from October 22, 2013 Hearing

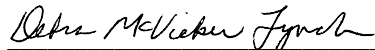
The parties, by counsel, appeared for a discovery hearing on October 22, 2013, with the magistrate judge. The court heard argument on outstanding discovery disputes and made the following rulings for the reasons stated on the record: (1) the plaintiffs' request to compel the deposition of Donald Trump is DENIED; (2) the plaintiffs' request to compel production of the MZ Berger license agreement is DENIED; (3) the plaintiffs' challenges to Melania Marks's objections on the basis of privilege during the deposition of Jonathan Gross have been waived for failure to provide specific arguments at the hearing; (4) the court makes no ruling with respect to invocation of privilege on behalf of former clients of Mr. Gross who are not parties to this action, except that any future motion in this or another court on those issues will not delay the trial; and (5) the plaintiffs have until October 25, 2013, to file a response to Mr. Hilbert's motion for protective order (Dkt. 69).

The court has reviewed the documents submitted for *in camera* inspection, Bates numbered TRUMP 9428, 9432, 9439-40, 9441, 9442, 9444-45, 9447, and 9450 to determine the appropriateness of redactions the defendant has made on the basis of attorney work product. None of those documents qualifies for work product protection afforded by Fed. R. Civ. P. 26(c)

because there is no evidence--cited by counsel or revealed from context--that the documents were "prepared in anticipation of litigation or for trial by or for another party or its representative. . . ." The defendant shall produce unredacted copies of these documents by close of business October 23, 2013.

IT IS SO ORDERED.

Date: 10/22/2013



Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system